



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HUDSON FEDERATION OF TEACHERS, AFT,  
AFL-CIO, LOCAL NO. 2263

Complainant

v.

HUDSON SCHOOL BOARD

Respondent

CASE NO. T-0234:5

DECISION NO. 86-64

#### APPEARANCES

##### Representing the Hudson Federation of Teachers:

Emmanuel Krasner, Esq., Counsel

##### Representing the Hudson School Board:

Robert P. Leslie, Esq., Counsel

##### Also appearing:

Peter Dolloff, Superintendent  
Larry Burton, Assistant Superintendent  
G. Leonard Mace, Hudson School District  
William Kress, Asst. Principal, Alvirne H. S.  
Margaret A. Lavoie, Social Studies Teacher, Alvirne H.S.  
Joan Mountford, English Teacher, Alvirne H.S.  
Linda Rovenelle, French Teacher, Alvirne H.S.  
Michael Tuckett, Science Teacher, Alvirne H.S.  
Ted Comstock, Director of Labor Relations, NHSBA

#### BACKGROUND

The Hudson Federation of Teachers, AFT, AFL-CIO, Local 2263 (Federation) filed improper practice charges against the Hudson School Board (Board) on June 25, 1986 claiming the Board violated RSA 273-A:5, I (e), failure to negotiate in good faith.

Specifically, the Federation alleges: that the Board in September of 1986 changed the Alvirne High School from a 6-period day to a 7-period day; that this change also resulted in added duties to teachers and constitutes a change in long standing practice; that on March 1, 1986 the Federation requested that negotiations take place over this change; and, that on June 10, 1986 the Board advised the Federation that in their opinion, the changes did not impact working conditions to an extent necessary to require negotiations.

In its response, the Board denied any breach of RSA 273-A and further: that it had changed the school day from six periods to seven starting in September of 1986; argued that the teachers were required to work 300 minutes per day under both systems; argued that the Superintendent and later the Board listened to the Federation about this change before deciding that the change was de minimis; therefore, not requiring negotiations.

A hearing was held at the PELRB office in Concord on October 9, 1986.

#### FINDINGS OF FACT

1. The School Board did change the class schedules at Alvirne High School from a six (6) period to a seven (7) period day beginning in September, 1986.
2. The School Board maintains that this change was necessitated by new requirements adopted by the New Hampshire Department of Education.
3. Testimony established that the six (6) period day was a longstanding practice over several collective bargaining agreements.
4. In the past when operating on a six (6) period day, teachers would normally teach five (5) fifty-eight (58) minute classes and have one period (58 minutes) for preparation. (This is in addition to 22-minute lunch periods and starting and ending times).
5. In 1985, the Board changed the class period length to sixty (60) minutes but the Federation did not request negotiations on the ground that they did not wish to appear petty (difference of two minutes).
6. In September, 1986, the Board changed the Alvirne High School schedule to a seven (7) period day.
7. By letter, about March 1, 1986, the Federation requested the Board open negotiations. On May 13, 1986, the Superintendent wrote the Federation President of the Board's willingness to meet to determine, "what, if any, impact the new organizational structure will have on the working conditions"...
8. The Federation did meet with the Board to explain its opinion about the "impact" of the changes and to request negotiations (which were later put into written form and given to the Board). No proposals were exchanged at this meeting, indeed most (90%) of the talking was President Lavoie presenting her arguments about the impact of the change; the rest (3-5 minutes) were questions from the Board, not proposals, and subsequent decision-making.
9. On June 10, 1986, the Board's Chairman notified the Federation President that it had decided no negotiations would take place since "...this change has not impacted"... to an extent requiring negotiations.
10. In the new, seven (7) period day, a teacher would normally teach five (5) classes, each fifty (50) minutes long; carry out another period of fifty (50) minutes in a particular duty such as, study hall, patrol corridors, lavatories, parking lot, etc.; and, have the seventh fifty (50) minute period for class preparation.
11. No change in the length of the workday itself was made except for those who

chose (now some choice is mandatory) "parking lot" duty which necessitated an earlier start and later ending.

12. Teacher testimony established that at least for some teachers, the shortened periods of the new seven (7) period day caused them to feel frustrated in re-arranging the material to present to the students and also to have more work to do at home than with the six (6) period day.
13. Testimony also established that more "study halls" were being supervised by English and Math students than before, in order to help students with their work.
14. A study by the Assistant Principal of Alvirne High School established that the change to a seven (7) period day did not alter significantly the average number of different course preparations of teachers.

#### RULINGS OF LAW

1. No "negotiations" took place when the Federation appeared before the School Board to explain its position on the impact of changing the arrangement of the school day.
2. The change from the six (6) period day to the seven (7) period day had some obvious and significant impact on the "conditions of employment" of the teachers. These "impacts" included, inter alia shorter classes, additional (non-teaching) duties, more at-home work, less class time per week to achieve educational goals, etc. and are certainly not de minimis!
3. The denial of the Board to negotiate with the Federation is a flagrant disregard of the requirement under RSA 273-A to negotiate in good faith and constitutes an egregious violation of RSA 273-A:5, I(e).

The School Board cannot decide unilaterally that "no impact" has occurred which needs to be negotiated. The Act cries out for "harmonious and cooperative relations between public employers and their employees"... (RSA 273-A, Statement of Policy). It is the purpose of the negotiation process itself to gauge how strongly each side feels about the impact of changes brought about by management decisions. No one party can make these decisions for both parties.

4. While it is management's prerogative, under "managerial policy", to organize and direct the operation of Hudson's schools, so as to best educate its students, the management has the duty to discuss and negotiate the impact of these changes in "Terms and Conditions of Employment" with the representatives of the professionals engaged in teaching these students

#### REQUESTS FOR FINDINGS OF FACTS AND RULINGS OF LAW

Request No. 1, neither granted nor denied as outside the scope of this hearing and case.

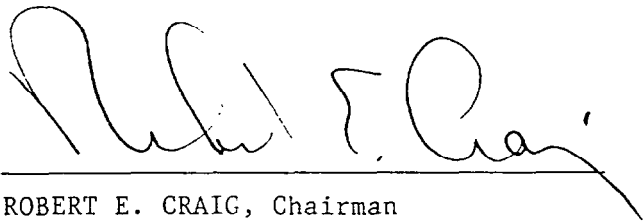
Requests 2, 3, 4, 5, 6, 8 and 9 are granted.

Request 7, Grant that the Board met with the President of the Federation to "hear" their views.

Requests 10, 11 and 12 denied.

DECISION AND ORDER

- (a) The Hudson School Board has committed an unfair labor practice, violating RSA 273-A:5, I(e) in refusing to negotiate the impact of the changes it made in the Alvirne High School class schedule;
- (b) The Hudson School Board is ordered to begin negotiations immediately upon receipt of this Order with the Hudson Federation of Teachers, AFT, AFL-CIO, Local 2263 about the impact of the changes in the school day to seven-periods at Alvirne High School;
- (c) The Hudson School Board and the Hudson Federation of Teachers are ordered to meet as frequently as possible over the next thirty (30) days (or until agreement is reached) for the purpose of reaching a mutually agreed upon resolution of this dispute.
- (d) Both parties are ordered to report progress to PELRB weekly, with PELRB retaining jurisdiction.
- (e) If, after the thirty days has elapsed and no agreement is reached, the parties are ordered to reappear before PELRB for further orders to resolve the remaining dispute(s).
- (f) This notice shall be posted conspicuously throughout the relevant workplace for employees to read.



ROBERT E. CRAIG, Chairman  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 14th day of October, 1986.

By unanimous vote. Chairman Robert E. Craig presiding; members Seymour Osman and Daniel Toomey present and voting. Also present, Executive Director, Evelyn C. LeBrun.